

**ZOLDAN LAW GROUP, PLLC**  
14500 N. Northsight Blvd. Suite 133 Scottsdale, Arizona 85260  
Tel & Fax: 480.442.3410 – mzoldan@zoldangroup.com

Michael Zoldan; AZ Bar No. 028128  
Jason Barrat; AZ Bar No. 029086  
James Weiler; AZ Bar No.034371  
Jessica Miller; AZ Bar No. 031005  
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14500 N. Northsight Blvd. Suite133  
Scottsdale, AZ 85260  
Tel & Fax: 480.442.3410  
mzoldan@zoldangroup.com  
jbarrat@zoldangroup.com  
jmiller@zoldangroup.com  
jweiler@zoldangroup.com

Attorneys for Plaintiff  
Heather Davenport

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

**Heather Davenport**, an Arizona resident;  
  
Plaintiff,

v.

**SP Jedi Inc.**, an Arizona company; and  
**Jed Elliot**, an Arizona resident;  
  
Defendants.

**Case No. 2:18-cv-02580-SMM**

**PLAINTIFF'S MOTION TO STRIKE  
DEFENDANTS' ANSWER**

**(Assigned to the Hon. Stephen M.  
McNamee)**

Pursuant to LRCiv 7.2(m)(1), a motion to strike may be filed if it authorized by F.R.Civ.P. 37(b)(2)(A)(iii). Pursuant to F.R.Civ.P. 16(f)(1)(C), the court may issue any order authorized under Rule 37(b)(2)(A)(iii) if a party fails to obey a pretrial order. F.R.Civ.P. 37(b)(2)(A)(iii) authorizes a Court to strike a pleading in whole.

Plaintiff respectfully moves to strike Defendants' Answer to First Amended Complaint (Dkt. 34) for failing to obey the Court's Order (Dkt. 78). As set forth in greater

1 detail in Docket 85, Defendants failed to obey the Court's Order in Docket 78. Therefore,  
2 Plaintiff moves to strike Defendants' amended answer.

3  
4 After the Court grants the motion to strike, Plaintiff would respectfully renew his  
5 request as fully set forth in Docket 85 for the Clerk or the Court to enter default against  
6 Defendants SP Jedi Inc. and Jed Elliott, pursuant to Federal Rule of Civil Procedure 55(a).

7  
8 RESPECTFULLY SUBMITTED February 13, 2020.

9  
10 **ZOLDAN LAW GROUP, PLLC**

11 By: /s/ Jason Barrat  
12 14500 N. Northsight Blvd, Suite 133  
13 Scottsdale, AZ 85260  
14 Attorneys for Heather Davenport

15  
16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on November 16, 2018, I electronically transmitted the foregoing  
18 document to the United States District Court, District of Arizona Court Clerk, using the  
19 CM/ECF System and to the following via electronic and US mail:

20 Jed Elliott  
21 5731 E. Claire Dr.  
22 Scottsdale, AZ 85254  
23 jed@spjedi.com

24 SP Jedi Inc.  
25 3150 N. 24<sup>th</sup> St. Suite A200  
26 Phoenix, AZ 85016

27 /s/ Ashley Peschke  
28